

S. Little
*9/3/03**#14/*

PATENT

Attorney Docket No. 5437.06

VIA FACSIMILE 703-872-9302

Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

John A. Doherty et al.

Group Art Unit: 3752

Application No.: 09/862,652

Examiner: Ganey, Steven J.

Filing Date: May 21, 2001

For: APPARATUS AND SYSTEM FOR SYNCHRONIZED
APPLICATION OF ONE OR MORE MATERIALS TO A SURFACE
FROM A VEHICLE AND CONTROL OF A VEHICLE MOUNTED
VARIABLE POSITION SNOW REMOVAL DEVICE

RESPONSE TO OFFICE ACTION
(Election Requirement)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action dated June 3, 2003, requiring an election of species under 35 U.S.C. § 121, and in which a shortened statutory period for response of one month was set. Claims 12-41 are pending in this application. The Examiner has requested that an election be made between the species of the claimed invention in (I) Claims 12-24 and 29-41, drawn to material distribution apparatus and method of distributing, classified in class 239, subclass 69; or (II) Claims 25-28, drawn to remote-controlled snow removal apparatus, classified in class 37, subclass 196.

The Applicant hereby provisionally elects the species depicted in Claims 12-24 and 29-41. This election is made with traverse.

In the Office Action, the Examiner has recognized that the claims in each Group are related as subcombinations disclosed or usable together in a single combination. A close reading of the claims will reveal that the subject matter in the two groups is very closely related. As